

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Elk Mountain School District
Accountability Review - Monitoring Report 2011-2012**

Team Members: Chris Sargent, Team Leader; and Donna Huber, Team Member

Dates of On Site Visit: October 3, 2011

Date of Report: November 9, 2011

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or

- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

24:05:16:16. Personnel qualifications. To ensure that all personnel necessary to carry out the purposes of Part B and Part C of the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, including ensuring that those personnel have the content knowledge and skills to serve children with disabilities, the department shall determine that all personnel providing special education or related services, including related services, paraprofessionals and assistants, early intervention, and early childhood personnel, perform these functions under state-approved or state-recognized certification or licensure or other comparable requirements that apply to the area in which the person is providing special education or related services. The department shall ensure that related services personnel who deliver services in their discipline or profession meet the requirements of this section and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

A certified special education teacher was not available to provide or oversee the provision of special education services in the district.

Student:	Required Action:	Data To Be Submitted:
Students # 1, 2 and 3	The district must hire/contract certified special education teacher/evaluators to evaluate and oversee the provision of special education regulatory requirements and services. When certified staff is available, they must contact the team leader for direction on addressing the issues below.	The district must submit documentation to support the acquisition of certified staff.
Timeline for Completion: December 15, 2011		

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:22:03. Certified child. A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

ARSD 24:05:25:01. Evaluation, consent, eligibility, and placement procedures required. Each school district shall establish and implement procedures which meet the requirements of this chapter, including nondiscriminatory practices, parental consent, initial evaluation, evaluation procedures, eligibility procedures, placement procedures, and reevaluation.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Evaluation data to support eligibility category and/or services provided was not consistently available in the student record.

Student:	Required Action:	Data To Be Submitted:
Student #1 This student was reported on child count under the category of specific learning disability (SLD) (525). Evaluation was conducted without prior notice/consent. Evaluation did not contain an observation or skill based assessment. Additional documentation for SLD was not present in the student record.	Students #1, 2 and 3: The district must initiate reevaluation procedures to review existing data and determine what evaluation data is needed to support the suspected disability category. Prior notice/consent and parent input into the evaluation must be documented. The evaluation process must be completed within 25 school days unless other timelines are agreed upon. Upon completion of the evaluation process, an IEP team meeting will be scheduled using meeting notice procedures. The IEP will meet to review the evaluation results, determine eligibility, and complete the eligibility determination document and SLD content requirements when applicable.	Students #1, 2 and 3: The following documentation must be submitted: <div><div>1. Prior notice/consent for evaluation</div><div>2. Copies of all evaluation reports</div><div>3. Prior notice for the meeting</div><div>4. Eligibility/MDT document</div></div>
Student # 2 This student was reported on child count under the category of Other Health Impaired (OHI) (555). Evaluation was conducted by a non-certified psychologist. Scores from behavior evaluations did not support eligibility under this category and there was no evidence of skill based assessment.		
Student #3 This student was reported on child count under the category of specific learning disability (SLD) (525). Evaluation did not contain an observation or skill based assessment. Additional documentation for SLD was not present in the student record.		
Timeline for Completion: January 15, 2011		

3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
 - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
 - (b) Meet each of the student's other educational needs that result from the student's disability;...

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Student programs were not developed to provide educational benefit.

Student:	Required Action:	Data To Be Submitted:
Students #1, 2 and 3: Goals/services did not link to evaluation results and did not consistently include services pertaining to each area of disability/eligibility.	The IEP team will review and revise current IEPs following reevaluation. The IEP must contain all required content information and be developed to meet the educational needs of the student based upon the evaluation and eligibility results.	The district will submit a copy of the IEPs for students 1, 2 and 3.

Timeline for Completion: December 15, 2011

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.

Required Action:

The district must review and update its policy, procedure and practice regarding the following:

- Employment of certified staff regarding the provision of special education and related services.
- District procedure for referral, informal review, initial evaluation or review of existing data and reevaluation.
- Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.
- Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.
- Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.
- Determining eligibility and completing the eligibility documents.
- Developing an IEP that provides educational benefit.

The district will receive technical assistance regarding these issues. The training date, provider and participants will be documented and submitted to the team leader in support of verifying correction through updated data.

Data To Be Submitted:

In the event a student is referred for evaluation, requires a reevaluation or transfers into the district from an in-state or out of state the district will submit the following documentation to support the required action if applicable:

1. Referral document
2. The prior notice/consent for evaluation
3. Copies of **all** the evaluation reports including skill based assessment and transition
4. Copy of the prior notice for the eligibility/IEP meeting/transfer
5. Copy of the MDT/eligibility document and;
6. Copy of the IEP

The district will submit a copy of the updated policy, procedure and practice that addresses correction to the General Supervision # 1, 2 and 3 is to be submitted to verify correction through updated data.

Target Date for Completion: May 1, 2012

All non-compliance must be corrected within 1 year of this report date.

Date:

Status Report: